

Filed for intro on 02/02/95  
House Bill \_\_\_\_\_  
By \_\_\_\_\_

Senate No. SB1315  
By Cohen

AN ACT to enact the "Tennessee Oil Spill Cleanup and  
Environmental Preservation Act of 1995".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act may be cited as the "Tennessee Oil Spill Cleanup and  
Environmental Preservation Act of 1995."

SECTION 2. As used in this part, unless the context otherwise requires:

(1) "damages" means damages of any kind for which liability may exist under the  
laws of this state resulting from, arising out of, or related to the discharge or threatened  
discharge of oil;

(2) "discharge" means *any* emission (other than natural seepage), intentional or  
unintentional, and includes, but is not limited to, spilling, leaking, pumping, pouring,  
emitting, emptying, or dumping;

(3) "Federal On-Scene Coordinator" means the federal official designated by the  
lead agency or predesignated by the U.S. Environmental Protection Agency or the  
U.S.Coast Guard to coordinate and direct responses under the NCP;

(4) "National Contingency Plan" means the National Contingency Plan prepared and published under section 311(d) of the federal Water Pollution Control Act (33 U.S.C 1321(d)), as amended by the Oil Pollution Act of 1990, Pub. L No. 101-380, 104 Stat. 484 (1990);

(5) "oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

(6) "person" means an individual, corporation, partnership, association, state, municipality, commission, or political subdivision of a state, or any interstate body;

(7) "remove" or "removal" means containment and removal of oil or a hazardous substance from water and shorelines or the taking of other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

(8) "removal costs" means the costs of removal that are incurred after a discharge of oil has occurred or, in any case in which there is a substantial threat of a discharge of oil, the costs to prevent, minimize, or mitigate oil pollution from such an incident;

(9) "responsible party" means a responsible party as defined under §1001 of the Oil Pollution Act of 1990, Pub. L. No. 101-380, 104 Stat. 484 (1990).

### SECTION 3.

(a) Notwithstanding any other provision of law, a person is not liable for removal costs or damages which result from actions taken or omitted to be taken in the course of rendering care, assistance, or advice consistent with the National Contingency Plan or as otherwise directed by the Federal On-Scene Coordinator or by the state official with responsibility for oil spill response.

(b) Subsection (a) does not apply:

(1) to a responsible party;

(2) with respect to personal injury or wrongful death; or

(3) if the person is grossly negligent or engages in willful misconduct.

(c) A responsible party is liable for any removal costs and damages that another person is relieved of under subsection (a).

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.